

BOROUGH OF INDIANA
INDIANA COUNTY, PENNSYLVANIA

Ordinance # _____

AN ORDINANCE OF THE BOROUGH OF INDIANA, INDIANA COUNTY, PENNSYLVANIA, ON MATTERS OF PUBLIC HEALTH AND SAFETY DURING THE COVID-19 PANDEMIC, PROVIDING FOR CIVIL PENALTIES AND PROVIDING FOR SEVERANCE AND REPEAL.

WHEREAS, Indiana Borough, like nearly every part of the United States, is affected by the novel Coronavirus, Covid-19; and

WHEREAS, the Center for Disease Control and Prevention, the Governor of Pennsylvania and the Pennsylvania Department of Health have issued guidance that all Americans and Pennsylvanians should, at a minimum, limit gatherings, wear a mask when they leave their homes, stay at least six feet apart whenever possible and wash hands often; and

WHEREAS, on July 1 and 15, 2020, the Pennsylvania Department of Health ordered that facial coverings must be worn whenever Pennsylvanians leave their homes and ordered other mitigation efforts to stop the community spread of Covid-19, calling upon all local municipalities to assist in compliance with and enforcement against non-compliance of these measures; and

WHEREAS, the Borough of Indiana has roughly thirteen thousand (13,000) residents, nearly seven percent of whom are over the age of 65, and is the host municipality for Indiana University of Pennsylvania ("IUP"), part of the State System of Higher Education, where an estimated ten thousand (10,000) students live, frequent and attend college in the Borough; and

WHEREAS, Pennsylvania has been relatively successful in its efforts to control the virus, but an increase in the number of cases, also observed nationally, occurred in July and August warranting additional precautions, particularly in light of the return of students to IUP; and

WHEREAS, the Borough Council of Indiana anticipates that with communication and education residents will choose to take all necessary and reasonable steps to stop community spread of Covid-19, including wearing facial coverings, remaining at a safe distance and limiting gatherings and, in the event that residents fail to comply despite efforts to communicate and educate, it desires to use its power and authority to protect the residents of the Borough through the enforcement of ordinances supporting public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY the Council of the Borough of Indiana, Indiana County, Pennsylvania, and it is hereby ordained and enacted by and with authority of the same pursuant to the Borough Code, 8 Pa C.S. A. §§1205 (5,33) and the Pennsylvania Emergency Management Act, 35 Pa. C.S. A. §7301:

SECTION 1: RECITALS: The above recitals are incorporated herein.

SECTION 2 FACIAL COVERING REQUIRED: Borough residents and persons visiting and working in the Borough shall wear facial

covering consistent with Exhibit A to this ordinance, incorporated herein as if fully set forth. The exceptions set forth in Exhibit A shall also apply, and persons claiming exceptions may be required to provide appropriate documentation.

SECTION 3

GATHERINGS LIMITED:

Indoor gatherings in the Borough are limited to twenty-five (25) persons.

Outdoor gatherings in the Borough are limited to two hundred and fifty (250) persons.

This Section does not apply to gatherings in religious institutions and services or Commonwealth agencies and entities. These entities may be otherwise regulated. However, all persons and businesses in the Borough are encouraged to comply with guidance and measures that prevent the community spread of Covid-19.

The term “gatherings” is defined as a temporary (spontaneous or planned) grouping of individuals, that takes place over a limited timeframe, such as hours or days. For example, but not limited to, fairs, festivals, concerts or shows and groupings that occur within larger, more permanent businesses, such as shows or performances within amusement parks, individual showings of movies on a single screen/auditorium within a multiplex, business meetings or conferences, or each party or reception within a multiroom venue.

SECTION 4

WAITING LINES: Persons waiting in lines to enter any business establishment within the Borough must wear facial covering pursuant to Section 2 and must be spaced from others at a minimum distance of six (6) feet. Such lines may not be stationed less than six (6) feet from persons occupying outdoor seating areas. Business owners must enforce this provision and may further limit the number of persons who wait in lines, or the areas in which the lines form.

SECTION 5

ENFORCEMENT: Borough Council vests its police department, code enforcement department and parking enforcement department with the power and authority to act as ambassadors for communication and education regarding community spread of Covid-19, and to issue summary civil citations pursuant to this ordinance whenever communication and education do not bring about compliance. Borough Council authorizes the Borough Manager to hire part time employees, if necessary, to supplement the enforcement of this Ordinance.

SECTION 6: **CIVIL PENALTIES:** Civil Penalties in the form of a fine will be issued on the following schedule:

First Offense:	Written Warning
Second Offense	\$50.00
Third Offense:	\$75.00
Fourth Offense:	\$300.00

The Borough will issue notices of violation or civil citations for all offenses; the failure to pay the summary offense may result in a complaint filed against you with the Magisterial District Court, seeking the payment of civil penalties plus costs. Each offense is a separate offense, with escalating fines.

SECTION 7: **REPEAL:** Any ordinance or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 8: **SEVERABILITY:** Should any sentence, section, clause, part or provision of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 9: **EFFECTIVE DATE:** This Ordinance shall become effective immediately.

SECTION 10: **SUNSET:** This ordinance, shall sunset on December 31, 2020,
11:59 pm if not extended or terminated earlier by action of
Borough Council.

Duly presented and adopted at a regular meeting of the Borough of Indiana Council, Indiana
County, Pennsylvania, held on the day of , 2020.

ATTEST:

BOROUGH OF INDIANA

C. Michael Foote
Borough Manager/Secretary

Peter G. Broad
Council President

This Ordinance is approved this day of , 2020

Mayor, Borough of Indiana

I hereby certify that the foregoing ordinance was fully enacted and approved as set forth at the
meeting of Council held on _____, and before approval, was advertised in the
_____, a newspaper of general circulation in the municipality of Indiana
Borough on _____.

C. Michael Foote
Borough Manager/Secretary

Section 1: Face Coverings Defined

“Face covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is wrapped around the lower face. A “face covering” can be made of a variety of synthetic or natural fabrics, including cotton, silk, or linen. For purposes of this order, a face covering includes a plastic face shield that covers the nose and mouth. “Face coverings” may be factory-made, sewn by hand, or be improvised from household items, including but not limited to, scarfs, bandanas, t-shirts, sweatshirts, or towels. While procedural and surgical masks intended for healthcare providers and first responders meet these requirements, such as N95 respirators, these specialized masks should be reserved for appropriate occupational and health care settings.

Section 2: Face Coverings Required

Except as provided in Section 3, individuals are required to wear face coverings if they are:

- A. outdoors and unable to consistently maintain a distance of six feet from individuals who are not members of their household;
- B. in any indoor location where members of the public are generally permitted;
- C. waiting for, riding on, driving, or operating public transportation or paratransit or while in a taxi, private car service or ride-sharing vehicle;
- D. obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank; or
- E. engaged in work, whether at the workplace or performing work off-site, when interacting in-person with any member of the public, working in any space visited by members of the public, working in any space where food is prepared or packaged for sale or distribution to others, working in or walking through common areas, or in any room or enclosed area where other people, except for members of the person’s own household or residence, are present when unable to physically distance.

Section 3: Exceptions to Face Covering Requirement

- A. The following are exceptions to the face covering requirement in Section 2:
 - i. Individuals who cannot wear a mask due to a medical condition, including those with respiratory issues that impede breathing, mental health condition, or disability;

- ii. Individuals for whom wearing a mask while working would create an unsafe condition in which to operate equipment or execute a task as determined by local, state, or federal regulators or workplace safety guidelines;
 - iii. Individuals who would be unable to remove a mask without assistance;
 - iv. Individuals who are under two years of age;
 - v. Individuals who are communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication;
- B. Individuals are not required to show documentation that an exception applies.

Section 4: Prior Orders

This Order is intended to be read in concert with my Order Relating to Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations, dated April 15, 2020, and with the Governor's and my Orders for the Continued Reopening of the Commonwealth, dated May 27, 2020.

Section 5: Effective Date

This Order is effective immediately and will remain in effect until further notice.



Rachel Levine, MD
Secretary of Health